

GOAL: Chapters 125 and 129, Florida Statutes specifically empower the Board of County Commissioners with the authority to plan for and provide capital improvements and to budget funds for this purpose. To this end, the goals of this element are to: create a functional relationship between this Plan and the annual budget; ensure that growth occurs consistent with the County's financial capability to provide facilities and services; ensure that capital improvements are provided in a timely and cost-efficient manner; establish level of service standards for concurrency purposes; ensure that developers bear a proportionate share of the cost of providing infrastructure; establish and maintain a concurrency management system; establish a 5-year schedule of capital improvements consistent with the annual budget, and; to promote and further sound and prudent fiscal policy for the County.

Vision: We will develop efficient and effective infrastructure that promotes economic development and enhances the environment, quality of life, and aesthetics.

GENERAL STRATEGY

The general strategy for implementation of this element is to:

- Promote a balanced program of land use controls, regulation, and capital improvements;
- Restrict development in coastal high-hazard areas;
- Establish procedures for the coordination of land use decisions with the County's fiscal ability to provide facilities and services;
- Establish criteria for prioritizing capital improvements projects;
- Establish and maintain level of service standards and a concurrency management system;
- Ensure that developers pay for infrastructure required for their development projects;
- Manage debt in a fiscally sound manner;
- Promote consistency between this element and the annual budget;
- Establish and maintain an annual evaluation and monitoring program for this element and the Plan as a whole; and,
- Establish and maintain a Concurrency Management System consistent with applicable law.

Objective 11.1: Define "capital improvement."

Public Purpose: Ensure consistency between State and County definitions of capital improvements [s.9J-5.003(14), FAC].

Performance Measure: Provides the means for identifying capital improvements.

Policy 11.1.1: The term "capital improvement" means physical assets constructed or purchased to provide, improve, or replace a public facility and which are large in scale and high in cost. Capital improvements are generally characterized as being large in size, expensive, and permanent.

Objective 11.2: Establish a functional relationship between this element and the annual budget that can be updated in one-year and five-year increments as a means to meet existing deficiencies, accommodate future growth, and replace obsolete or worn-out facilities.

Public Purpose: Promote a balanced program of land use control, regulations, and capital improvements (s.125.01, 129.01, F.S.).

Performance Measure: The extent to which capital projects identified in this Plan are included in the budget and updated annually.

Policy 11.2.1: The County's Annual Budget and the 5-Year Capital Improvement Program will form the basis for funding capital improvement projects identified in the other elements of this Plan.

Policy 11.2.2: This element will be updated on an annual basis consistent with the County's annual budget.

Objective 11.3: Restrict development in the "Coastal High-Hazard Area" (CHHA) and limit public expenditures that subsidize development within the CHHA.

Public Purpose: Avoid the expenditure of public funds that subsidize development in coastal high-hazard areas [161.53, 187.201(9), F.S.].

Performance Measure: Include restrictions in the Future Land Use Element and Land Use Code that will limit density in the CHHA to 15 du/acre or less.

Policy 11.3.1: Residential density in the CHHA will be restricted to a maximum of 15 dwelling units per acre (15 du/acre) in areas where adequate infrastructure exists to accommodate that level of development.

Policy 11.3.2: Public subsidy of infrastructure for development in the CHHA shall be limited to the demand that will result from build-out at 15 du/acre. This policy shall not preclude private investment for infrastructure in the CHHA.

Performance Measure: The extent to which new infrastructure is installed or constructed that acts as a subsidy for development in the CHHA. This shall be measured in terms of additional lane miles of road, expanded water or sewer lines, etc.

Objective 11.4: Establish procedures for the coordination of land use decisions with the financial capability of the County to provide public facilities and services.

Public Purpose: Promote development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce [s.187.201(16), F.S.].

Performance Measure: The extent to which facilities and services are provided consistent with the "Wide Open Spaces" strategy.

Policy 11.4.1: The Board will use the "Wide Open Spaces" strategy described in the Future Land Use Element as the means for providing public facilities and services in Urban, Suburban, and Rural Service Areas.

Policy 11.4.2: The Board will use the Future Land Use Element of this Plan and attendant land use controls to direct growth into these areas where services and facilities can be provided in an efficient and effective manner.

Policy 11.4.3: All applications for development approval will be evaluated with regard to the availability of facilities and services required to accommodate the proposed development.

Performance Measure: Number of applications approved or denied based on availability of facilities and services.

Objective 11.5: Establish and maintain criteria for use in identifying and setting priorities for capital improvement projects.

Public Purpose: To plan for and finance public facilities in a timely, orderly, and efficient manner [s.187.201(18), F.S.].

Performance Measure: The extent to which projects identified in the "Strategic Plans" are completed.

Policy 11.5.1: The Board will use the "Strategic Plans" for infrastructure to guide the implementation of capital improvement projects during the 5-year planning timeframe.

Policy 11.5.2: The following criteria will be used to identify capital improvement projects and update the "Strategic Plans."

Performance Measure: Use of the specified criteria as a tool for preparing the annual budget and updating the "Strategic Plans."

- (1) The elimination of public hazards or nuisances.

- (2) Correcting existing capacity deficits.
- (3) Cost relative to available funds.
- (4) Whether the project is within an Urban, Suburban, or Rural Service Area.
- (5) The extent to which capital projects undertaken by other agencies with supplant or supplement County projects.

The preceding criteria will be distributed to the various County Departments at the beginning of each annual budget preparation cycle and will be used to identify needed capital improvement projects.

Objective 11.6: Establish and maintain level of service standards for purposes of evaluating development projects for concurrency management purposes and for timing the replacement or upgrade of public facilities.

Public Purpose: Establishes standards to ensure the availability of public facilities and the adequacy of those facilities [s.163.3174(3)(2), F.S.].

Performance Measure: Establishes LOS standards for County infrastructure.

Policy 11.6.1: The minimum level of service standards for concurrency of County infrastructure facilities are detailed in Table 11.1

Table 11.1 – Bay County Concurrency Level of Service Standards

Roads	Stormwater	Potable Water	Waste Water	Solid Waste	Parks	Schools
County Roads – LOS “D” State Roads – “D” except for roads included in Strategic Intermodal System which have LOS of “C”	Level of Service “D” Reaction / Complaint base Operation and Maintenance	90% of Water Treatment Plant Capacity (60 Million Gallons per Day – “MGD”)	90% of 4.45 million gallons Allocations and entire Countywide plant capacity.	90% of the total capacity of the Steelfield Road landfill.	Local Parks – 2.3 acres per 1000 permanent population Regional Parks – 4.0 acres per 1000 permanent population Beach Access Points – 0.29 per 1,000 permanent population	Elementary 100% of permanent FISH capacity Middle 100% of permanent FISH capacity High 100% of permanent FISH capacity

Stormwater

Performance Measure: Establishes LOS standards for stormwater.

(a) Water Quality

(1) Outstanding Florida Water; Potable Water Supply: For stormwater discharges into OFW or the Deer Point Lake Protection Zone treatment shall be as specified in s. 62-25(g), FAC (OFW standards).

(2) Other Discharges: For all other stormwater discharges treatment shall be as specified in Ch. 62-25, FAC.

(3) Ecosystem Management Zones: For areas within designated Ecosystem Management Zones treatment to OFW standards may be required.

(b) Flood Attenuation

For purposes of flood attenuation all development projects shall be designed and constructed so as to accommodate the critical 25-year duration storm event as outlined in the FDOT Drainage Manual.

This requirement shall not apply to the construction of single-family, duplex, triplex, or quadraplex dwellings and customary accessory uses.

(c) Operation and Maintenance

Stormwater facilities and conveyances owned and operated by the County shall be assigned the following levels-of-service (LOS).

<u>LOS</u>	<u>Operation and Maintenances</u>
A	Routine Maintenance.
B	Routine inspection with specific routine maintenance.
C	Routine inspection with inspection-based O&M.
D	Reaction/complaint based O&M.
E	No service.

Policy 11.6.2: Guidelines for interpreting and applying level of service standards to applications for development orders and development permits shall be included in the Bay County Land Development Regulations. Pursuant to these Land Development Regulations, the latest point in the development order or permit application process for the determination of concurrency is prior to the approval of such application which must contain a specific plan of development including densities and intensities.

Policy 11.6.3: Development orders and permits shall be issued in a manner that will not result in a reduction in the levels of service below the adopted levels of service found in Table 11.1 for each affected facility.

Objective 11.7: Make certain that developers bear a proportionate cost of providing facilities or facility improvements for any infrastructure necessitated by their development projects.

Public Purpose: Ensure that the cost of providing facilities in support of development are borne by those who benefit from that development, rather than the public at large [s.187.201(18), F.S.].

Performance Measure: Type and extent of facilities provided by developers.

Policy 11.7.1: Developers will be required to construct or install any infrastructure improvements such as roads, water and sewer lines, stormwater retention, etc. that may be required as a result of their development project.

Policy 11.7.2: Developers will be required to pay for upgrades or improvements to existing off-site facilities such as roads, drainage, water and sewer lines, pump stations, etc. when such improvements are required to accommodate the development project or maintain level of service standards.

Performance Measure: Type and extent of off-site facilities or improvements provided by developers.

Objective 11.8: Manage the County debt in accordance with generally accepted accounting principles so as to ensure a sound fiscal position.

Public Purpose: Ensure that bonds or other general debt is managed in accordance with accepted guidelines and applicable law (s.125.012, 125.013, 129.01, F.S.).

Performance Measure: The creation of a debt management system by the target date.

Policy 11.8.1: The County will maintain a formal debt management system consistent with the requirements of s.9J-5.016, FAC.

Objective 11.9: Maintain a "Concurrency Management System" to make certain that public facilities and services needed to support development will be available concurrent with the impacts of such development.

Public Purpose: Ensure that public facilities and services needed to support development are available concurrent with the impacts of such development [s.187.201(18), 163.3177(10), F.S.].

Performance Measure: Review of all applications for development approval to ensure that concurrency requirements are met.

Policy 11.9.1: The concurrency requirements of this element shall apply to roads, sanitary sewer, solid waste, drainage, potable water, and parks and recreation. All applications for development approval shall be reviewed to ensure that level of service standards maintained are maintained and minimum concurrency requirements are met.

Policy 11.9.2: The minimum requirements for concurrency shall be as specified in s.163.3180, F.S. and s.9J-5.0055, FAC.

Objective 11.10: Continue an ongoing 5-year schedule of capital improvements, which will be updated each year as part of the County's annual budget.

Public Purpose: To provide continuity and consistency between this element and the annual budget [s.163.3177(3)(b), F.S.].

Performance Measure: The creation and annual update of a 5-year schedule of capital improvements.

Policy 11.10.1: The County's 5-year schedule of capital improvements will be the same as the Five-Year Capital Improvement Program described in the annual budget.

Objective 11.11: Establish an ongoing monitoring and evaluation program to determine the status of this element and the Plan as a whole.

Public Purpose: To ensure the ongoing relevance and utility of this Plan (s.163.3161, F.S.).

Performance Measure: Whether or not annual evaluations are conducted.

Policy 11.11.1: This Plan will be evaluated on an annual basis and updated in concurrence with the annual County budget.

Objective 11.12: Establish a mechanism which ensures necessary capital facilities and services to support development concurrent with the impact of development (Ch. 9J-5.0055, FAC). Maintaining adopted level of service standards for traffic circulation, sanitary sewer, solid waste, drainage, potable water, and recreation is the function of the Bay County Concurrency Management System as described herein to guide the review of development order applications. Level of service standards shall be as specified in Policy 11.6.1.

Public Purpose: To ensure that public facilities and services needed to support development shall be available concurrent with the impacts of such development [s.163.3177(10)(h), F.S.].

Performance Measure: The extent to which established level of service standards are maintained.

Policy 11.12.1: The Bay County Planning and Zoning Division shall prepare written findings on proposed developments compliance with the concurrency requirement. The capacity of a new facility may be used in the compliance determination under one or more of the following scenarios for each facility type.

Roads and Mass Transit:

- (1) The necessary facilities and services are in place at the time a development permit is issued; or
- (2) A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
- (3) The necessary facilities are under construction at the time a permit is issued; or
- (4) The necessary facilities are scheduled to be in place or are under actual construction not more than 3 years after the issuance of a development permit as provided in the 5-year schedule of capital improvements or the first 3 years of the Florida Department of Transportation's 5-year work program; or
- (5) At the time the development permit is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities or the provision of services within one year of the issuance of the development permit; or
- (6) The necessary facilities and services are guaranteed in an enforceable development agreement, which requires the commencement of the actual construction of the facilities or the provision of the services within one year of the issuance of the applicable development permit. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S.

Sanitary Sewer, Solid Waste, Drainage, and Potable Water:

- (1) The necessary facilities and services are in place at the time a development permit is issued; or
- (2) A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
- (3) The necessary facilities are under construction at the time a permit is issued; or
- (4) The necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of Rule 9J-5.0055, FAC. Such an agreement must guarantee that the necessary facilities and services

will be in place when the impacts of the development occur. An enforceable agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S.

Recreation and Open Space:

- (1) The necessary facilities and services are in place at the time a development permit is issued; or
- (2) A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
- (3) The necessary facilities are under construction at the time a permit is issued.

Sufficient information shall be provided by the developer/applicant for the purpose of determining concurrency. The Planning and Zoning Division will advise the developer/applicant concerning the items of information necessary for an assessment of the proposed development's impact on services. Compliance reviews, including review by all appropriate County departments or divisions, will be coordinated by the Planning and Zoning Division and will occur simultaneously with site plan review. In no case shall a development order be issued if the projected service demand exceeds capacity. Likewise, a determination of concurrency must be made prior to approval of an application for a development order.

A development order may be issued if a determination of available capacity is made. A development order shall not be issued if the demand for service created by the existing and/or new projects exceeds capacity. Development orders may be approved in stages or phases so that facilities and services required by each phase are available consistent with adopted level of service standards.

Any elimination, deferment or delay in the construction of a facility or service required to maintain the adopted level of service standard and contained in the five-year schedule of capital improvements, shall require a plan amendment.

Bay County has fully implemented its concurrency management system.

Objective 11.13: Coordinate with the School Board the approval of residential subdivisions, site plans or their functional equivalent to correct existing deficiencies and assure adequate future school capacity consistent with the adopted level of service standards for public school concurrency.

Policy 11.13.1: Consistent with the Interlocal Agreement, the School Board and County agree to the following standards for school concurrency in Bay County:

TYPE OF SCHOOL	LEVEL OF SERVICE
Elementary	100% of permanent FISH capacity
Middle	100% of permanent FISH capacity
High	100% of permanent FISH capacity

Policy 11.13.2: The County shall ensure that future development pays the proportionate share of the costs of capital facility capacity needed to accommodate new development and to assist in maintaining adopted level of service standards, via legally available and appropriate fee methods in development conditions.

Policy 11.13.3: The County hereby incorporates by reference the 2008 5-Year District Facilities Work Program prepared by the Bay County School District on September 1, 2007, that includes school capacity sufficient to meet anticipated student demands projected by the County and municipalities, in consultation with the School Board's projections of student enrollment, based on the adopted level of service standards for public schools. Level of Service standards shall be applied district wide to all schools of the same type. As provided in the Interlocal Agreement for Public School Facility Planning and Concurrency, incorporation of the School Board's Facilities Work Plan does not obligate the County to fund the improvements included in said Facilities Work Plan. The County, in coordination with the School Board, shall annually update the Capital Improvements Element by adopting by reference the School Board's financially feasible Work Program to ensure maintenance of a financially feasible capital improvements program and to ensure level of service standards will continue to be achieved and maintained during the five-year planning period.

Policy 11.13.4: The 5-year schedule of improvements ensures the level of service standards for public school are achieved and maintained within the period covered by the 5-year schedule. After the first 5-year schedule of capital improvements, annual updates to the schedule shall ensure levels of service standards are achieved and maintained within each year of subsequent 5-year schedule of capital improvements.

Policy 11.13.5: Bay County will update its capital improvements schedule on an annual basis by December 1st, to incorporate the upcoming five years of the School Board's Capital Improvement Program. As provided in the Interlocal Agreement for Public School Facility Planning and Concurrency, incorporation of the School Board's 5-Year Capital Improvements Program does not obligate the County to fund the improvements included therein. Bay County and the Bay County School Board will coordinate during updates or amendments to the Bay County's comprehensive plan and updates or amendments for long-range plans for School Board facilities.

Policy 11.13.6: Bay County shall ensure maintenance of the financially feasible capital improvements program and to ensure level of service standards will continue to be achieved and maintained within each year of the subsequent 5-year schedule of capital improvements.

Policy 11.13.7: The County's strategy, in coordination with the School Board, for correcting existing deficiencies and addressing future needs includes:

- (1) Implementation of a financially feasible 5-year schedule of capital improvements to ensure level of service standards are achieved and maintained.
- (2) Identification of adequate sites for funded and planned schools; and
- (3) The establishment of a Proportionate Fair Share ordinance in order to generate additional revenue to help fund school improvements.